STATUTORY RULES OF NORTHERN IRELAND

1996 No. 393

PHARMACY

The Pharmaceutical Qualifications (Recognition) Regulations (Northern Ireland) 1996

Made - - - -	*27th August 1996*
Coming into operation	*28th September 1996*

The Department of Health and Social Services, being a Department designated for the purposes of, and in exercise of the powers conferred on it by, section 2(2) of the European Communities Act 1972(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. This Regulations may be cited as the Pharmaceutical Qualifications (Recognition) Regulations (Northern Ireland) 1996 and shall come into operation on 28th September 1996.

Amendments of the Pharmacy (Northern Ireland) Order 1976

2.—(1) Section 8A of the Pharmacy (Northern Ireland) Order 1976(**2**) (registration by virtue of appropriate European diploma) shall be amended as follows.

(2) After subsection (1), there shall be inserted the following subsection:—

"(1A) Any person who—

(a) is not a national of a member State, but

(b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68(**3**) or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of pharmacy, no less favourably than a national of such a State,

shall be treated for the purposes of subsection (1) above as if he were such a national.".

(3) In subsection (2), the word "and" at the end of paragraph (*a*) shall be omitted and after paragraph (*b*) there shall be added the following paragraph:—

(**1**) 1972 c. 68; S.I. 1996/1912 designates any Northern Ireland Department for the purposes of section 2(2) in respect of the conditions of, and the recognition of qualifications for, access to and pursuit of activities in the field of pharmacy

(**2**) S.I. 1976/1213 (N.I. 22), as amended by S.R. 1987 No. 457

(**3**) O.J. No. L257, 19.10.68, p. 2 (O.J./S.E. 1968 II) p. 475 as amended by Council Regulation (EEC) No. 312/76 (O.J. No. L039, 14.02.76, p. 0002)

"(c) any diploma in pharmacy which is not so specified but is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic."

(4) In subsection (3)—

(a) in paragraph (*a*), from the word "guarantees" to the word "undergone" there shall be substituted the words "is evidence of"; and

(b) for paragraph (*b*), there shall be substituted the following paragraph—

"(b) in the case of any diploma falling within subsection 2(*b*) of this section—

(i) the diploma is evidence of training which would satisfy the requirements of Article 2 of the Pharmacists Training Directive and is treated by the competent authorities of the member State in which it was awarded as equivalent to a diploma specified in Schedule 2A to this Order; or

(ii) the competent authorities of any member State have certified that the holder of the diploma has lawfully practised pharmacy for at least three consecutive years during the five years preceding the date of the certificate.".

(5) After subsection (3), there shall be inserted the following subsection:—

"(3A) A diploma such as is mentioned in subsection (2)(*c*) of this section is not an appropriate European diploma for the purposes of this section unless—

(a) it entitles its holder to practise pharmacy throughout the territory of Germany on the same conditions as those applying to the holder of a diploma specified in paragraph 4(1) of Schedule 2A to this Order; and

(b) the competent authorities in Germany have certified that the holder of the diploma has lawfully practised pharmacy in Germany for at least three consecutive years during the five years preceding the date of the certificate.".

(6) In subsection (4)—

(a) after paragraph (*a*), there shall be inserted the following paragraph—

"(aa) the satisfaction of the condition specified in paragraph (*b*)(i) of the said subsection (3), or paragraph (*a*) of subsection (3A), may be established by the production of a certificate of the competent authorities of the member State in which the diploma was awarded, or otherwise,"; and

(b) in paragraph (*b*), for the words "or (*b*)" there shall be inserted the words "or (*b*)(ii), or paragraph (*b*) of subsection (3A),".

(7) In subsection (6), in the definition of "competent authorities" after "85/584/EEC"(**4**) there shall be inserted the words "and Community Council Directive 90/658/EEC(**5**)";

3. In Schedule 2A to the Pharmacy (Northern Ireland) Order 1976 (qualifying European diplomas), sub-paragraph (2) of paragraph 4 (Germany) shall be repealed.

(**4**) O.J. No. L732, 31.12.85, p. 42
(**5**) O.J. No. L353, 17.12.90, p. 73